

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:

CASE NO. BK 13-40411
CHAPTER 11

THE GREAT PLATTE RIVER ROAD
MEMORIAL FOUNDATION,

ORDER

Debtor.

This matter coming before the Court on The Great Platte River Road Memorial Foundation's (the "Foundation") Motion for Entry of Order (A) Deeming Utility Companies Adequately Assured of Future Performance, and (B) Establishing Procedures for Determining Requests for Additional Adequate Assurance (the "Motion"). T. Randall Wright appeared for the Foundation. There were no other appearances. Due and proper notice of the Motion having been given under the circumstances; and the Court being otherwise fully advised in the premises upon which the Motion is founded;

IT IS HEREBY ORDERED that:

1. NPPD and the City of Kearney, Nebraska (the "City" and collectively with NPPD the "Utility Companies") are prohibited from altering, refusing, or discontinuing services during the pendency of this case unless ordered by the Court; and
2. The \$10,000.00 deposit the Foundation provided to NPPD along with NPPD's administrative claim for utility services rendered to the Foundation following the Petition Date adequately assures NPPD of the Foundation's future performance; and
3. The Debtor shall pay a deposit in favor of the City of Kearney in the amount of \$283. That deposit and its potential administrative claim adequately assures

the City of Kearny of the Foundation's future performance.

4. If at any future time a Utility Company (including NPPD, the City of Kearney, or any other Utility Company supplying services to the Foundation) believes it is not adequately assured with respect to the Foundation's performance, the Utility Company may not shut off service, but may file a motion for determination of additional adequate assurance of payment and notice such motion for hearing (a "Determination Hearing"); and

5. In the event that a Determination Hearing is scheduled, the applicable Utility Company is deemed to have been provided adequate assurance of payment until the entry of an order finding that the Utility Company is not otherwise adequately assured of future payment under section 366 of the Bankruptcy Code and that the Foundation does not need to provide for payment of additional deposits or other security.

6. In the event the Foundation does not timely pay its post-petition utility bills to NPPD or the City of Kearney, either of them may use the deposit paid by the Foundation for payment on such obligations without further order of the court, but may not shut off service without further order of the court.

March 28, 2013 s/ Thomas L. Saladino
Thomas L. Saladino
United States Bankruptcy Judge

Copies electronically sent by the court to:

*T. Randall Wright & UST

*Movant shall provide notice to parties in interest, if required by rule or statute.